



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Arthur K. Farnsworth et al.

Serial No.: 09/717,544

Filed: November 21, 2000

For: ACCESS PANEL LATCHING SYSTEM

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Group Art Unit: 3676

Examiner: Walsh, John B.

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June 17, 2003

Date

Ralph A. Graham

Sir:

APPEAL BRIEF PURSUANT TO 37 C.F.R. §§ 1.191 AND 1.192

This Appeal Brief is being filed in furtherance to the Notice of Appeal transmitted by facsimile to the U.S. Patent and Trademark Office on April 17, 2003, and received by the U.S. Patent and Trademark Office on April 17, 2003.

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GROUP 3600

1. **REAL PARTY IN INTEREST**

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

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2. **RELATED APPEALS AND INTERFERENCES**

Appellants are unaware of any other appeals or interferences related to this Appeal. The undersigned is Appellants' legal representative in this Appeal. The Assignee of the above-referenced application will be directly affected by the Board's decision in the pending appeal.

3. **STATUS OF CLAIMS**

Claims 1, 2, 4-15, 17-19, and 25-27 are currently pending, and claims 1, 2, 4-10, 12-15, and 25-27 are currently under final rejection and, thus, are the subject of this appeal.

4. **STATUS OF AMENDMENTS**

No amendments were proposed in the Response to Final Office Action transmitted by facsimile to the U.S. Patent and Trademark Office by the Appellants on March 3, 2003. However, in the Advisory Action mailed on March 18, 2003, the Examiner indicated that the rejection of claims 11 and 19 have been overcome. Because claims 17 and 18 depend from independent claim 19 these rejections must be overcome as well.

5. **SUMMARY OF THE INVENTION AND OF THE DISCLOSED EMBODIMENTS**

Many electronic devices are composed of electronic components electrically coupled together within a protective enclosure. *See Application*, page 2, lines 12-14. For example, the central unit of a desktop computer system typically includes a microprocessor, a hard drive, RAM, and a power supply housed within a sheet metal enclosure. *See Application*, page 2, lines 14-17. Protective enclosures for housing electronic components come in a variety of shapes and sizes. *See Application*, page 2, lines 21-22. However, typically, they include a chassis with a

removable cover. *See Application*, page 2, lines 22-24. A cover typically is secured to a chassis by a number of screws. *See Application*, page 2, line 24-page 3, line 1. Occasionally, the components within the protective enclosure need to be accessed, either to perform repairs or to upgrade the components housed within. *See Application*, page 3, lines 1-3. The screws must be removed from the enclosure to enable the cover to be removed. *See Application*, page 3, lines 3-5. A tool, such as a screwdriver or drill, is needed to remove the screws. *See Application*, page 3, lines 5-6.

The present invention provides an enclosure having an access panel that does not require a tool to remove the access panel or produce any loose parts when removing the access panel. One embodiment of the present invention is a computer system enclosure 20. *See Application*, page 8, lines 10-11. The exemplary enclosure 20 includes a chassis 22 and an access panel 28. *See Application*, page 8, lines 11-14. The enclosure also comprises a first and a second latch member 40 secured to the access panel 28. *See Application*, page 9, lines 19. The enclosure 20 also comprises a first and a second catch member 64. *See Application*, page 10, lines 18-20 and page 12, lines 6-11. The first catch member is disposed on the interior of a first sidewall of the chassis and the second catch member is disposed on the interior of a second sidewall of the chassis, opposite the first sidewall. *See Application*, Fig. 2. The first and second catch members are biased in a first direction to secure the first and second latch members. *See Application*, page 13, lines 3-5. The first and second latch members are movable in a second direction to release the first and second latch members. *See Application*, page 13, lines 15-17. The enclosure also comprises a first and a second operator 32. *See Application*, page 12, lines 6-11. The first operator is disposed on the exterior of the first sidewall and secured through the chassis to the

first catch member. *See Application*, page 10, lines 20-22. The second operator is disposed on the exterior of the second sidewall. *See id.* The first and second operators are adapted to move the first and second catch members in the second direction to release the first and second latch members. *See Application*, page 13, lines 17-20.

6. **ISSUE**

Whether claims 1, 2, 4-10, 12-15, and 25-27 are unpatentable under 35 U.S.C. § 103(a) as being obvious over the Raffman reference, U.S. Patent No. 2,878,389.

7. **GROUPING OF CLAIMS**

Independent claims 1 and 25 will stand or fall separately. Dependent claims 2, 4-10, and 12-15 will stand or fall with independent claim 1. Dependent claims 26 and 27 will stand or fall with independent claim 25.

8. **ARGUMENT**

As discussed in detail below, the Examiner has improperly rejected the pending claims. The Examiner has misapplied long-standing and binding legal precedents and principles in rejecting the claims under Section 103(a). The Appellants strongly believe that this application should have been allowed in view of the remarks set forth in the Response to Final Action transmitted by facsimile to the U.S. Patent and Trademark Office by the Appellants on March 3, 2003. However, to date, the Examiner has failed to consider these remarks favorably.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining, or modifying the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination or modification. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination or modification includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

Claims 1, 2, 4-10, 12-15, and 25-27 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Raffman, U.S. Patent No. 2,878,389. The main object of the Raffman reference is to provide a cassette for housing a film used to form images from X-rays in medical and industrial radiography. *See Raffman*, col. 1, lines 18-21. The cassette 23 has a hollow or solid metal or plastic bounding frame 24. *See Raffman*, col. 2, lines 66-69. In addition, the cassette 23 has a cover or door 37. *See Raffman*, col. 3, lines 37-38. The Raffman reference also discloses laterally opposed slidable locks 73, 74 housed within the hollow frame 24 along one edge 72 to retain the cover 37 closed. *See Raffman*, col. 4, lines 54-63. Each of the slidable locks 73, 74 has a hook portion 77 for hooking a latch projection 90 of the cover 37 to close the cover 37. *See Raffman*, col. 5, lines 14-16. The locks 73, 74 are directed in opposite directions so that if the cassette is accidentally dropped, one lock will remain closed. *See Raffman*, col. 5, lines 24-27. In the Raffman reference, thumbs are applied to finger pieces 75,

75 of the slidable locks 73, 74 to enable the slidable locks 73, 74 to be pulled apart, causing the hooks 77 to release the latch projections 90 of the cover 37 and enabling the cover 37 to be opened so that film may be placed in the cassette.

It is respectfully submitted that the Raffman reference fails to teach all aspects of the present invention. Furthermore, it should be further noted that independent claims 1 and 25 are each directed to a different aspect of the present invention. Independent claim 1 recites a protective assembly for a computer system, comprising a chassis, an access panel, a first and a second latch member secured to the access panel, a first catch member disposed on the interior of a first sidewall of the chassis to secure the first latch member, a second catch member disposed on the interior of a second sidewall of the chassis opposite the first sidewall to secure the second latch member, and a first and a second operator adapted to move the first and second catch members to release the first and second latch members. Independent claim 25 recites a method of assembling an electronic system, comprising securing one of a plurality of catch members to one of a plurality of manual operators through a first opening in a first sidewall of a chassis. Thus, independent claims 1 and 25 each recite subject matter that is directed to a different aspect of the present invention.

For the following reasons, claims 1, 2, 4-10, 12-15, and 25-27 are patentable over the Raffman reference. Reconsideration of the rejection and allowance of all pending claims are respectfully requested.

Claims 1, 2, 4-10, and 12-15

Claims 2, 4-10, and 12-15 depend from independent claim 1. One of the recited features of independent claim 1 that is not taught, suggested, or disclosed by the Raffman reference is: “a *first and a second catch member* moveably secured to the chassis, wherein the first catch member is disposed on the interior of a *first* sidewall of the chassis to secure the first latch member and the second catch member is disposed on the interior of a *second* sidewall of the chassis, *opposite the first sidewall*.” (Emphasis added).

In the Office Action, the Examiner stated that: “Raffman ‘389 discloses a chassis (23); and access panel (46); a latch member (90) and a catch member (74) biased to a first position on the chassis.” In addition, the Examiner stated that: “It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the first and second catch members on opposite sidewalls of the chassis and latch members on opposite sides of the panel, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.”

As discussed above, the Raffman reference discloses a cassette for housing a film used to form images from X-rays. *See Raffman*, col. 1, lines 18-21. The cassette 23 has a hollow frame 24 and a cover 37. *See Raffman*, col. 2, lines 66-69 and col. 3, lines 37-38. The Raffman reference also discloses laterally opposed slidable locks 73, 74 for retaining the cover 37 closed. *See Raffman*, col. 4, lines 54-63. The slidable locks 73, 74 are housed along one edge 72 within the hollow frame 24. *See Raffman*, col. 4, lines 54-63. However, both slidable locks 74 are disposed within the same portion of the hollow frame 24. See Fig. 1. Assuming, arguendo, that

one of the slidable locks 74 is disposed on the interior of a *first* sidewall of the cassette 23, then the other slidable lock 74 is not disposed on the interior of a *second* sidewall of the chassis, opposite the *first* sidewall. Thus, the Raffman reference does not teach, disclose, or suggest a slidable lock 73 disposed on the interior of a *first* sidewall of the chassis *and* a slidable lock 74 disposed on the interior of a *second* sidewall of the chassis, *opposite the first sidewall*.

Therefore, the Raffman reference does not teach, disclose, or suggest: “a *first and a second catch member* moveably secured to the chassis, wherein the first catch member is disposed on the interior of a *first* sidewall of the chassis to secure the first latch member and the second catch member is disposed on the interior of a *second* sidewall of the chassis, *opposite the first sidewall*,” as recited in claim 1.

In addition, another recited feature of independent claim 1 that is not taught, suggested, or disclosed by the Raffman reference is: “first and second operators...adapted to move the first and second catch members in the second direction to release the first and second latch members.” The Raffman reference discloses that each of the slidable locks 73, 74 has a finger piece 75 by which to manually slide the slidable lock 74 from the normal position. The slidable locks 73, 74 are directed in opposite directions so that only one of the locks will open if the cassette is accidentally dropped. *See Raffman*, col. 5, lines 24-27. Thumbs are applied to the finger pieces 75, 75 of the slidable locks 73, 74 to pull the slidable locks 73, 74 apart, i.e., in opposite directions, to cause the hooks 77 to release the projections 90 of the cover 37. Thus, the Rafman reference actually teaches away from the slidable locks 73, 74 being adapted to move in the same direction, i.e., the “second direction,” to release the first and second latch members. Therefore, the Raffman reference does not teach, disclose, or suggest “first and second operators...adapted

to move the first and second catch members in the second direction to release the first and second latch members,” as recited in claim 1.

Furthermore, the Examiner has misstated the court’s holding in *Japikse*. In *Japikse*, the court stated that: “there would be no invention in shifting the starting switch disclosed by Cannon to a different position since the operation of the device *would not thereby be modified*.” *In re Japiske*, 86 U.S.P.Q. 70, 73 (Ct. Claims 1950). (Emphasis added). Thus, only if the operation of the device is not modified by the shift of the switch to a different position is the rearrangement of the device not patentable. However, positioning the Raffman latches 73, 74 on opposite sidewalls of the cassette is not a simple rearrangement of parts because the stated goal of the cassette would clearly be modified, if not defeated. As discussed above, the Raffman reference discloses slidable locks 73, 74 directed in opposite directions so that when the cassette is accidentally dropped and possibly one slidable lock is caused to open, the other slidable lock will remain closed. *See Raffman*, col. 5, lines 23-27. However, this goal is defeated by adapting the slidable locks 73, 74 to move in the same direction to release the cover.

In fact, the Raffman reference actually teaches away from disposing the slidable locks 74 on the sides of the chassis and adapting them to move in the same direction to release the cover. A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or *would be led in a direction divergent from the path that was taken by the applicant*. *In re Gurley*, 27 F.3d 551, 31 U.S.P.Q.2d 1130 (Fed. Cir. 1994). (Emphasis added). A person of ordinary skill, upon reading the Raffman reference would be led to disposing slidable locks 73, 74 on the same side

of the chassis, not on opposite sides of the chassis, and would adapt the slidable locks 73, 74 to move in opposite directions, not in the same direction. Moreover, if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. M.P.E.P. § 2143.01 (citing *In re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984)). To orient the slidable locks 73, 74 on the sides of the chassis and to adapt the slidable locks 73, 74 to move in the same direction to release the cover would render the slidable locks 73, 74 unsatisfactory for its intended use.

Furthermore: “The mere fact that a worker in the art could rearrange the parts of a reference device ... is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, *without the benefit of appellant’s specification*, to make the necessary changes in the reference device.” M.P.E.P. § 2144.05 (quoting *Ex parte Chicago Rawhide MFG Co.*, U.S.P.Q. 3512, 353 (Bd. Pat. App. & Inter. 1984) (emphasis added)). Here, the Raffman reference provides no motivation or reason for rearranging the slidable locks 73, 74 to the side of the chassis and orienting the slidable locks to move in the same direction to release the cover.

Finally, another feature of claim 1 that is not disclosed by the Raffman reference is: “a first operator...disposed on the exterior of the first sidewall and secured through the chassis to the first catch member.” Each finger piece 75 and hook portion 77 of the Raffman are part of a single slidable lock 74 piece. Thus, the finger piece 75 and hook portion 77 disclosed in the Raffman reference are not *secured* to each other, or secured through the frame 34. Thus, the

Raffman reference does not teach, disclose, or suggest “a first and a second operator, wherein the first operator is disposed on the exterior of the first sidewall and *secured through the chassis* to the first catch member,” as recited in claim 1. (emphasis added).

For all these reasons, the Raffman reference does not teach, disclose, or suggest all of the recited features of independent claim 1. Claims 2 and 4-15 depend from independent claim 1. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, claims 2, 4-10, and 12-15 are patentable over the Raffman reference. Withdrawal of the rejection and allowance of claims 1, 2, 4-10, and 12-15 are respectfully requested.

Claims 17 and 18

Claims 17 and 18 depend from independent claim 19. As indicated above, in the Advisory Action mailed on March 18, 2003, the Examiner indicated that the rejection of claims 11 and 19 had been overcome. Therefore, the rejection of claims 17 and 18 must be overcome as well.

Claims 25-27

Claims 26 and 27 depend from independent claim 25. Some of the recited features of independent claim 25 that are not disclosed, taught, or suggested by the Raffman reference are: “providing a plurality of *manual operators* adapted to be disposed on the exterior of the chassis and securable to the plurality of catch members through an opening in the chassis” and “securing

one of the plurality of *catch members* to one of the plurality of *manual operators* through the first opening in the first sidewall.”

In the Office Action, the Examiner stated that: “Raffman ‘389 discloses a chassis (23); and access panel (46); a latch member (90) and a catch member (74) biased to a first position on the chassis.” In addition, the Examiner stated that:

As concerns claim 25, providing a plurality of catch members (77); providing a plurality of manual operators (87) securable to the catch members through an opening (88) in the chassis; providing a chassis (23) having a first and second opening (88); securing one of the plurality of catch members to one of the plurality of manual operators (figure 5) through a first opening; securing a second of the plurality of catch members to a second one of the plurality of manual operators through a second opening (figure 5) (sic).

Despite the Examiner’s assertion, the short stop pin 87 of the Raffman reference is not a manual operator. The short stop pin 87 limits movement of the slidable locks 73, 74. *See Raffman*, col. 5, lines 10-12. The Raffman reference does not teach, disclose, or suggest, that the short stop pins 87 are ever touched by a user to operate the slidable locks 73, 74.

If anything, the finger pieces 75 of the Raffman reference are adapted to manual operate the slidable locks 73, 74, not the short stop pins 87. However, the Raffman reference does not teach, disclose, or suggest that the finger pieces 75 are “adapted to be disposed on the exterior of the chassis and securable to the plurality of catch members through an opening in the chassis.” As discussed above, the Raffman reference discloses that each of the slidable locks 73, 74 has a hook portion 77 for hooking a latch projection 90 on the cover or door 37. However, the finger

pieces 75 and hook portions 77 are both disposed within the hollow frame 24. The finger pieces 75 are not disposed on the exterior of the frame 24 and secured to the hook portions 77 through the chassis. Furthermore, the finger piece 75 is not secured to the hook portion 77. Rather, they are both part of the same series of laminations 76 that form the slidable locks 73, 74. *See Raffman*, col. 4, lines 64-67. The Raffman reference does not teach, disclose, or suggest securing a hook portion 77 to a finger piece 75 of the slidable lock 74.

Therefore, the Raffman reference does not teach, disclose, or suggest all of the recited features of independent claim 25. Accordingly, independent claim 25 is patentable over the Raffman reference. Claims 26 and 27, which depend from independent claim 25, are patentable over the Raffman reference by virtue of their own recited subject matter, as well as by virtue of their dependence from independent claim 25. Withdrawal of the rejection and allowance of claim 25-27 are respectfully requested.

9. **CONCLUSION**

In view of the above remarks, Appellants respectfully submit that the Examiner has provided no supportable position or evidence that claims 1, 2, 4-10, 12-15, and 25-27 are unpatentable under 35 U.S.C. § 103. Accordingly, Appellants respectfully request that the Board find claims 1, 2, 4-10, 12-15, 17, 18, and 25-27 patentable over the prior art of record and withdraw all outstanding rejections.

Respectfully submitted,

Date: June 17, 2003



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10. APPENDIX OF CLAIMS ON APPEAL

1. A protective assembly for a computer system, comprising:

a chassis;

an access panel;

a first and a second latch member secured to the access panel;

a first and a second catch member moveably secured to the chassis, wherein the first catch member is disposed on the interior of a first sidewall of the chassis to secure the first latch member and the second catch member is disposed on the interior of a second sidewall of the chassis, opposite the first sidewall, to secure the second latch member, the first and second catch members being biased in a first direction to secure the first and second latch members and being movable in a second direction to release the first and second latch members; and

a first and a second operator, wherein the first operator is disposed on the exterior of the first sidewall and secured through the chassis to the first catch member and the second operator is disposed on the exterior of the second sidewall, the first and second operators being adapted to move the first and

second catch members in the second direction to release the first and second latch members.

2. The system as recited in claim 1, wherein the latch member includes a first engaging portion and a first securing portion and the catch member includes a second engaging portion and a second securing portion, the first and second engaging portions being adapted to enable the first securing portion engage the second securing portion to displace the catch member, the first and second securing portions being adapted to enable the second securing portion capture the first securing portion.

4. The system as recited in claim 2, wherein the first engaging portion slidably engages the second engaging portion and displaces the catch member from the first position as the access panel is moved to a closed position on the chassis.

5. The system as recited in claim 4, wherein at the closed position, the first engaging portion and the second engaging portion are no longer in sliding engagement and the catch member is biased back to the first position.

6. The system as recited in claim 5, wherein the second securing portion is disposed over the first securing portion when the catch member is in the first position.

7. The system as recited in claim 6, wherein the first securing portion and the second securing portion are flat.

8. The system as recited in claim 6, wherein the first engaging portion and the second engaging portion are angled.

9. The system as recited in claim 7, wherein the latch member is released from the catch member by displacing the catch member so that the second securing portion is not disposed over the first securing portion.

10. The system as recited in claim 1, wherein the catch member is biased by a spring.

11. The system as recited in claim 2, wherein each catch member includes a third engaging portion and a third securing portion symmetrical about an axis with the second engaging portion and the second securing portion, the second securing portion being adapted to capture the first securing portion of the first latch member when the catch member is disposed on the first sidewall of the chassis and the third securing portion being adapted to capture the first securing portion of the second latch member when the catch member is disposed on the second sidewall of the chassis.

12. The system as recited in claim 2, wherein the first engaging portion and the second engaging portion are configured for sliding engagement.

13. The system as recited in claim 2, wherein the first securing portion and the second securing portion are configured for abutment.

14. The system as recited in claim 2, wherein the access panel is pivoted about a first end to dispose the access panel on the chassis.

15. The system as recited in claim 1, comprising a spring to bias the access panel to an open position.

25. A method of assembling an electronic system, comprising:

providing a plurality of interchangeable catch members adapted to be selectively disposed on the interior of opposite sidewalls of a chassis to capture a latch member extending from an access panel;

providing a plurality of manual operators adapted to be disposed on the exterior of the chassis and securable to the plurality of catch members through an opening in the chassis;

providing a chassis having a first opening through a first sidewall and a second opening through a second sidewall opposite the first sidewall;

securing one of the plurality of catch members to one of the plurality of manual operators through the first opening in the first sidewall; and

securing a second of the plurality of catch members to a second one of the plurality of manual operators through the second opening in the second sidewall.

26. The method as recited in claim 25, further comprising: disposing a biasing member within each of the catch members.

27. The method as recited in claim 26, comprising aligning each of the catch members with a guide rail adapted to extend into each catch member.